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IAB CASE NO. IV 2218757

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB #IV2218757

COMPLAINANT:	**Melinda Rasch,** [redacted] (Supervisor, mandated reporter) Sergeant Internal Affairs Bureau
SUBJECTS:	**Michael Alperin,** [redacted] Deputy Sheriff Twin Towers Correctional Facility
	Destiny Nelson, [redacted] Custody Assistant Twin Towers Correctional Facility
LOCATION:	Twin Towers Correctional Facility
DATE OF CONDUCT:	Between October 6, 2007 and October 9, 2007 and Between April 19,2008 and April 24, 2008
DEPT. NOTIFICATION DATE:	April 17, 2008
DATE OF NOTIFICATION TO INTAKE:	April 17, 2008
DATE IAB OPENED:	April 24, 2008
INVESTIGATOR:	Sergeant Diana Gealta

ALLEGATIONS:

The alleged acts of harm are:

- Policy of Equality, Inappropriate Conduct Toward Others (Race, Ancestry, National Origin, Ethnicity).
- Policy of Equality, Inappropriate Conduct Toward Others (Sex).

In addition, the Subjects allegedly utilized the Sheriff's Department's communications systems to send inappropriate e-mails.

SUMMARY OF INVESTIGATION

The allegations in this investigation were brought to light during a separate investigation conducted by Sergeant Melinda Rasch of the Internal Affairs Bureau (IAB IV2216413). On Thursday, April 17, 2008, Sergeant Rasch discovered that on October 7, 2007, Subject Custody Assistant Destiny Nelson forwarded an inappropriate e-mail using her departmental e-mail account and computer. The e-mail, titled "Movie 300 According to Mexicans" (Exhibit E), had been forwarded to Subject Nelson by another department employee, Subject Michael Alperin, on October 6, 2007.

The email contained a video, which depicted persons of observed Mexican ancestry running across the border to San Diego, California. A male in the video yells out, "Tonight we dine in San Diego!" There are several actors running toward the border. The actors have garden tools, fruit and brooms. Additionally, there is a pregnant woman who is also running toward the border. The images of the characters in the video portrayed several Mexican stereotypes.

Sergeant Rasch notified the Intake Specialist Unit and filled out a Policy of Equality Notification Form (refer to Policy of Equality Report, Exhibit A, and Request for Investigation, Exhibit B). The email accounts of Subject Nelson and Subject Alperin were audited as part of the investigation.

> **IAB Note: On February 11, 2008, Captain Anthony Ward of Twin Towers Correctional Facility sent an email reminding all Twin Towers Correctional Facility personnel that the Department's Computers should be used for work related county business only. Additionally, the Watch Commanders at Twin Towers Correctional Facility routinely discuss the Policy of Equality during briefings.**

During the audit it was discovered that Subject Alperin had received and sent another email which was titled "If men wrote advice columns" (Exhibit F). This email depicts an advice column and is in a question and answer format. The following statements are excerpts from the email:

- My husband wants a threesome with my best friend and me
- Just perform oral sex on him and cook him a good meal
- My husband continually asks me to perform oral sex on him
- This shows he loves you, the best thing to do is to thank him by performing it twice a day

- My husband does not know where my clitoris is
- If you must mess with it do it on your own time or ask your best friend to help
- To ease your selfish guilt, perform oral sex on him and cook him a delicious meal

On April 19, 2008, Subject Alperin sent the email entitled "If men wrote advice columns" to several department members including Subject Nelson. None of the people who received the email are supervisors. On April 24, 2008, Subject Nelson forwarded the email to a non-departmental email address.

Subjects' Statements

Subject Michael Alperin is a 35-year-old Caucasian male Deputy assigned to Twin Towers Correctional Facility. Alperin has been a member of the Sheriff's department since 2001. He attended [REDACTED] (refer to Training Records, Exhibit C). He has no previous Policy of Equality violations.

Subject Alperin admitted sending the emails. Subject Alperin acknowledged the emails were not work related. Alperin stated the emails were appropriate for the workplace. He would not have been offended by the emails. He said he only sent the emails to people he knew and specifically was not trying to offend anyone.

Subject Destiny Nelson is a 21 -year-old African American female Custody Assistant assigned to Twin Towers Correctional Facility. Nelson has been a member of the Sheriff's Department since 2006. She attended [REDACTED] (refer to Training Records, Exhibit C). She has no previous Policy of Equality violations.

Subject Nelson admitted sending both emails. Subject Nelson admitted the emails were not work related. Subject Nelson said in regard to the first email sent, (Movie 300 According to Mexicans), her understanding of the policy was if someone was in the room with her and they were offended, that was when she would have to be careful. She believed because she was in a booth by herself she could not offend anyone.

In regard to the second email, (If men wrote advice columns), Subject Nelson said a co-worker told her that you could send e-mails to your personal e-mail without violating policy. She believed it was okay to send as long as it was not anyone at work.

Subject Nelson acknowledged she had seen and accepted the "Think before you send" admonition (Exhibit D) every time she logged onto the computer. She stated she had not read the admonishment; instead, would merely click "agree" to access the computer.

Subject Nelson admitted that she understood when she clicked the "agree" button, she was agreeing that she read and understood the content of the message.

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: June 12, 2008

OFFICE CORRESPONDENCE FILE NO: IAB IV 2218757

FROM: LYNDA R. CASTRO, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: EQUITY OVERSIGHT PANEL

SUBJECT: POTENTIAL MANUAL OF POLICY AND PROCEDURES VIOLATIONS

The following Manual of Policy and Procedures violations relate to the allegations in this case in regard to Subject Deputy Sheriff Michael Alperin:

3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Race, Ancestry, National Origin, Ethnicity)

Disposition:

__✓__ Charge founded
_____ Charge unresolved
_____ Charge unfounded
_____ Charge exonerated

3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Sex)

Disposition:

__✓__ Charge founded
_____ Charge unresolved
_____ Charge unfounded
_____ Charge exonerated

3-01/030.10 - Manual of Policy and Procedures - Obedience to Laws, Regulations and Orders (re: 3-07/200.00 Through 3-07/250.00)

Disposition:

__✓__ Charge founded
_____ Charge unresolved
_____ Charge unfounded
_____ Charge exonerated

Discipline Assessment - Michael Alperin:

Review of Applicable "Guidelines for Discipline" Section:
The Department's "Guidelines for Discipline" (revised 08-01-05) lists the following analogous misconduct with associated disciplinary penalties:

CONDUCT	STANDARD DISCIPLINE	SPECIAL NOTES
3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Race, Ancestry, National Origin, Ethnicity)	**Written Reprimand to Discharge**	
3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Sex)	**Written Reprimand to Discharge**	
3-01/030.10 - Manual of Policy and Procedures - Obedience to Laws, Regulations and Orders (re: 3-07/200.00 Through 3-07/250.00)	**One to Five Days**	

Determination of Discipline:
Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. The discipline is subject to revision upon receipt of the Subject's response or grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__✓__ **Removal from Bonus Position**
__✓__ **Suspension with loss of pay and benefits for __4__ days**
_____ **Written Reprimand**
_____ **No Discipline**

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE July 1, 2008
FILE NO. IAB 2218757

DISPOSITION SHEET

FROM: LYNDA R. CASTRO, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **ALPERIN, Michael, Deputy Sheriff, [redacted]**
Twin Towers Correctional Facility
Custody Operations Division

The Equity Oversight Panel, consisting of Sue Tyler, Mercedes Cruz, and Nora Quinn, met on July 1, 2008. Also in attendance were Division representatives Commander Robert Olmsted, Captain Anthony Ward, and Lieutenant Douglas Slaughter.

Upon consideration of the facts developed in this investigation, the panel determined that MPP sections *3-01/121.30 (POE - Inappropriate Conduct Toward Others - Race/Ancestry/National Origin/Ethnicity)*, *3-01/121.30 (POE - Inappropriate Conduct Toward Others - Sex)*, and *3-01/030.10 (Obedience to Laws, Regulations and Orders)*, are **founded.**

The Equity Oversight Panel recommends that the Subject receive a **4-day suspension** for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

Lynda R. Castro
Lynda R. Castro, Commander

7/1/08
Date



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 25, 2008

Deputy Michael Alperin, [redacted]
[redacted]

Dear Deputy Alperin:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of four (4) days.

An investigation under IAB File Number 2218757, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others, on or between October 6, 2007 through April 19, 2008, you engaged in inappropriate conduct toward others based on or because of race and/or ethnicity and/or national origin and/or sex when such conduct reasonably would be considered inappropriate for the workplace, as evidenced by, but not limited to:

    a) using Department computer equipment and e-mail to forward a satirical film stereotyping Mexican immigrants crossing the border into the United States, and/or;

    b) forwarding an advice column containing comments to others which were sexual in nature.

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.45, Use of Communications Equipment and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Manual Sections 3-07/200.10, Electronic Communications; and/or 3-07/210.00, Permissible Use; and/or 3-07/210.10, System Use; and/or 3-07/220.00, Prohibitions), on or between October 6, 2007 through April 19, 2008, you used Sheriff's Department computers and e-mail to transmit non-work related material via the Sheriff's Department Data Network, in violation of the aforementioned polices.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Reba Barnes, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Anthony Ward, Captain
Commander, Twin Towers Correctional Facility

AW:KM:rjb

c: Advocacy Unit
Employee Relations Unit
Dennis H. Burns, Chief, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2218757)

I certify that on the date indicated below, I received the original of the attached Letter of Intent under File Number ***IAB 2218757.***

07-25-08

Date

MICHAEL ALPERIN,

I certify that on the date indicated below, I served the original Letter of Intent to ***MICHAEL ALPERIN.***

7/25/08

Date

WITNESS SIGNATURE

LT DAVID BOBB

WITNESS PRINT

Please return this page within two (2) business days to:

REBA BARNES
Internal Affairs Bureau
4900 S. Eastern Ave. #100
Commerce CA 90040



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 14, 2008

Deputy Michael Alperin, #[redacted]
[redacted]

Dear Deputy Alperin:

On July 25, 2008, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2218757. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of four (4) days effective November 17, 2008 through November 20, 2008.

An investigation under File Number IAB 2218757, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others, on or between October 6, 2007 through April 19, 2008, you engaged in inappropriate conduct toward others based on or because of race and/or ethnicity and/or national origin and/or sex when such conduct reasonably would be considered inappropriate for the workplace, as evidenced by, but not limited to:

a) using Department computer equipment and e-mail to forward a satirical film stereotyping Mexican immigrants crossing the border into the United States, and/or;

b) forwarding an advice column containing comments to others which were sexual in nature.

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.45, Use of Communications Equipment and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Manual Sections 3-07/200.10, Electronic Communications; and/or 3-07/210.00, Permissible Use; and/or 3-07/210.10, System Use; and/or 3-07/220.00, Prohibitions), on or between October 6, 2007 through April 19, 2008, you used Sheriff's Department computers and e-mail to transmit non-work related material via the Sheriff's Department Data Network, in violation of the aforementioned polices.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rule 18.01(c) of the Civil Service Rules.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Anthony Ward, Captain
Commander, Twin Towers Correctional Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

AW:KM:rjb

c: Advocacy Unit
Dennis H. Burns, Chief, Custody Operations Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
TTCF/unit Personnel File

(Attachment)
Civil Service Rule 18.01

C. An employee who is suspended for up to five (5) days may appeal such suspension to the Director of Personnel. Any such appeal must be in writing, shall contain specific detailed information, and must be received by the Director of Personnel within fifteen (15) business days of the employee's notification of the suspension. Please send your appeal to the Director of Personnel, Appeals Division, Kenneth Hahn Hall of Administration, 222 North Grand Avenue, Room 555, Los Angeles, California 90012. The Director of Personnel may not consider any information or charges made by the appointing power unless they are contained in the letter of suspension, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not have reasonably been expected to be known by the appointing power or employee. The Director of Personnel shall determine whether or not to consider the appeal, or whether or not the suspension is justified. (Ord. 88-0020 1 (part), 1988.)

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2218757*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

11-14-08

DATE

MICHAEL ALPERIN, [redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***MICHAEL ALPERIN*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

11/14/08

DATE

WITNESS SIGNATURE

DAVID BOBO

WITNESS PRINT

Please return this page along with Timekeeping Notification within two (2) business days to:

REBA BARNES
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
[redacted]

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: November 25, 2008

OFFICE CORRESPONDENCE

FILE NO. **IAB 2218757**

FROM: CECIL M. JOHNSON, SOAI
INTERNAL AFFAIRS BUREAU

TO: JOSEPH F. FENNELL, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: DOREEN GARCIA; FRANK WILLIAMS

SUBJECT: **DISCIPLINARY ACTION - SUSPENSION (REVISED)**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **MICHAEL ALPERIN**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO. **DEPUTY SHERIFF, 2708A**

UNIT/DIVISION: **TTCF/CORRECTIONAL SERVICES DIVISION**

DATE OF LETTER: **NOVEMBER 14, 2008**

DISCIPLINE: **FOUR (4) DAYS**

EFFECTIVE DATE(S): **NOVEMBER 17, 2008 THROUGH NOVEMBER 20, 2008**

RECEIVED BY:

Doreen Garcia
PERSONNEL(SIGNATURE)

11/25/08
DATE

DOREEN GARCIA
PERSONNEL (PRINT NAME)

****** PLEASE RETURN ALL SIGNED RECEIPTS TO REBA BARNES OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE*****

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: March 22, 2010
FILE NO: 2218757
ARB NO. 144-08

OFFICE CORRESPONDENCE

FROM: JOHN KALNAS, SERGEANT
ADVOCACY UNIT

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

ATTN: Linda Hemingway

SUBJECT: MICHAEL ALPERIN, DEPUTY SHERIFF, EMPLOYEE NO.

On July 25, 2008, Deputy Alperin was given his Letter of Intent. On July 30, 2008, Deputy Alperin filed a grievance and it was denied throughout the grievance process. On November 14, 2008, Deputy Alperin was notified that he was suspended without pay from his position of Deputy Sheriff, Item No. 2708A, with this Department for a period of four (4) days effective November 19, 2008 through November 22, 2008.

On November 18, 2008, Deputy Alperin filed a Request For Arbitration seeking to have the charges against him determined to be unfounded. A hearing was granted. Arbitrator Philip LeVine was appointed.

On March 17, 2010, the Department and Deputy Alperin entered into a settlement agreement as follows:

1. Upon execution of this agreement, both parties agree that the four (4) day suspension imposed under the Letter of Imposition dated November 14, 2008 shall stand. All charges will remain the same, which Deputy Alperin accepts without appeal.

2. However, the Department will revise the Letter of Imposition to reflect that two (2) suspension days were imposed on November 19, 2008 through November 20, 2008 and that the remaining two (2) days will be held in abeyance for a period of twelve (12) months from the execution of this agreement.

3. Deputy Alperin understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures within the twelve (12) month period, the two (2) day suspension held in abeyance shall be imposed. Deputy Alperin understands that he will be subject to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Deputy Alperin's records will reflect that a four (4) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Deputy Alperin shall be reimbursed back salary for the two (2) day suspension days that he served on November 21, 2008 through November 22, 2008, as soon as practicable.

Please make any necessary changes in your records and to PPI to reflect the attached Settlement Agreement. If you have any questions regarding this matter, please contact me at [redacted]

JK:ddt

Attachment

08 0354 ✓ OJB PLM

In the matter of the appeal of)
Michael Alperin, Employee No. [redacted])
and)
the Los Angeles County Sheriff's Department)

ARB NO. 144-08

SETTLEMENT AGREEMENT

COPY

PRELIMINARY STATEMENT

This agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Michael Alperin (hereinafter referred to as "Deputy Alperin"), Employee No. [redacted]

RECITALS

The Department and Deputy Alperin are interested parties in the investigation under Internal Affairs Bureau No. 2218757. Both desire to resolve all disputes arising as the result of that investigation, to avoid litigation, and further administrative process upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Deputy Alperin for and in consideration of the mutual covenants herein, agree as follows:

1. Upon execution of this agreement, both parties agree that the four (4) day suspension imposed under the Letter of Imposition dated November 14, 2008 shall stand. All charges will remain the same, which Deputy Alperin accepts without appeal.

2. However, the Department will revise the Letter of Imposition to reflect that two (2) suspension days were imposed on November 19, 2008 through November 20, 2008 and that the remaining two (2) days will be held in abeyance for a period of twelve (12) months from the execution of this agreement.

3. Deputy Alperin understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures within the twelve (12) month period, the two (2) day suspension held in abeyance shall be imposed. Deputy Alperin understands that he will be subject to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Deputy Alperin's records will reflect that a four (4) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. Deputy Alperin shall be reimbursed back salary for the two (2) suspension days that he served on November 21, 2008 through November 22, 2008, as soon as practicable.

6. Deputy Alperin, upon execution of this agreement, shall waive any and all future and present administrative and/or judicial remedies involving or pertaining to the proposed discipline and/or suspension. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission and/or Superior Court.

7. Moreover, Deputy Alperin agrees to waive all rights in IAB Case Number 2218757, pursuant to <u>Skelly v. State Personnel Board (1975) 15 Cal.3d 194 Cal.Rptr. 14.</u>

8. The parties further agree that this settlement shall not be considered, cited or used in future disputes as establishing past precedent or past employment practice. This Agreement resolves the dispute between Deputy Alperin and the Department, and is not to be applied to any other facts or disputes.

9. In consideration of the terms and conditions set forth herein, Deputy Alperin agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Alperin concerning the subject matter referred herein. Additionally, Deputy Alperin specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

10. Deputy Alperin further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Settlement Agreement
Deputy Michael Alperin, [redacted]
Page 3

11. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Agreement, and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

12. This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

13. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

14. Upon execution of this agreement, Deputy Alperin or his union representative, will, within 10 days, withdraw his request for arbitration with the Employee Relations Commission under ARB No. 144-08.

15. The parties agree that the foregoing comprises the entire agreement between the parties and that there have been no other promises made by any party. Any modification of this agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Michael Alperin, [redacted] — Date: 03-01-10

As to Form Only:

Derald J. Brenneman, Esq.
Green & Shinee — Date: 3-11-10

For the Department:

Anthony Ward, Captain
Twin Towers Correctional Facility — Date: 3-17-10



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



March 24, 2010

Deputy Michael Alperin, [redacted]

Dear Deputy Alperin:

On November 14, 2008, you were served with a Letter of Imposition under IAB File No. 2218757, indicating you were being suspended without pay for a period of four (4) days effective November 17, 2008 through November 20, 2008.

The discipline was subsequently modified pursuant to a settlement agreement which was signed on March 17, 2010. As a result of the settlement agreement, you are hereby notified that you have been suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of four (4) days. However, pursuant to the settlement agreement, two (2) of the four (4) days will be held in abeyance for a period of twelve (12) months which will end on March 16, 2011. The remaining two (2) days will have been deemed served effective November 19, 2008 through November 20, 2008.

Pursuant to the settlement agreement, the investigation under IAB File Number 2218757, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others, on or between October 6, 2007 through April 19, 2008, you engaged in inappropriate conduct toward others based on or because of race and/or ethnicity and/or national origin and/or sex when such conduct reasonably would be considered inappropriate for the workplace, as evidenced by, but not limited to:

a) using Department computer equipment and e-mail to forward a satirical film stereotyping Mexican immigrants crossing the border into the United States, and/or;

b) forwarding an advice column containing comments to others which were sexual in nature.

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.45, Use of Communications Equipment and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Manual Sections 3-07/200.10, Electronic Communications; and/or 3-07/210.00, Permissible Use; and/or 3-07/210.10, System Use; and/or 3-07/220.00, Prohibitions), on or between October 6, 2007 through April 19, 2008, you used Sheriff's Department computers and e-mail to transmit non-work related material via the Sheriff's Department Data Network, in violation of the aforementioned polices.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:CK:liz

c: Advocacy Unit
Dennis Burns, Chief, Custody Operations Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
TTCF/Unit Personnel File
File Number: IAB 2218757

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: June 12, 2008

OFFICE CORRESPONDENCE FILE NO: IAB IV 2218757

FROM: LYNDA R. CASTRO, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: EQUITY OVERSIGHT PANEL

SUBJECT: POTENTIAL MANUAL OF POLICY AND PROCEDURES VIOLATIONS

The following Manual of Policy and Procedures violations relate to the allegations in this case in regard to Subject Custody Assistant Destiny Nelson:

3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Race, Ancestry, National Origin, Ethnicity)

Disposition:

__✓__ Charge founded
______ Charge unresolved
______ Charge unfounded
______ Charge exonerated

3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Sex)

Disposition:

__✓__ Charge founded
______ Charge unresolved
______ Charge unfounded
______ Charge exonerated

3-01/030.10 - Manual of Policy and Procedures - Obedience to Laws, Regulations and Orders (re: 3-07/200.00 Through 3-07/250.00)

Disposition:

__✓__ Charge founded
______ Charge unresolved
______ Charge unfounded
______ Charge exonerated

Discipline Assessment - Destiny Nelson:

Review of Applicable "Guidelines for Discipline" Section:
The Department's "Guidelines for Discipline" (revised 08-01-05) lists the following analogous misconduct with associated disciplinary penalties:

CONDUCT	STANDARD DISCIPLINE	SPECIAL NOTES
3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Race, Ancestry, National Origin, Ethnicity)	**Written Reprimand to Discharge**	
3-01/121.30 - Policy of Equality - Inappropriate Conduct Towards Others (Sex)	**Written Reprimand to Discharge**	
Manual of Policy and Procedures - Obedience to Laws, Regulations and Orders - Communications	**One to Five Days**	

Determination of Discipline:
Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. The discipline is subject to revision upon receipt of the Subject's response or grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_____ **Removal from Bonus Position**
__✓__ **Suspension with loss of pay and benefits for** __3__ **days**
_____ **Written Reprimand**
_____ **No Discipline**

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE July 1, 2008
FILE NO. IAB 2218757

DISPOSITION SHEET

FROM: LYNDA R. CASTRO, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **NELSON, Destiny, Custody Assistant, [redacted]**
Twin Towers Correctional Facility
Custody Operations Division

The Equity Oversight Panel, consisting of Sue Tyler, Mercedes Cruz, and Nora Quinn, met on July 1, 2008. Also in attendance were Division representatives Commander Robert Olmsted, Captain Anthony Ward, and Lieutenant Douglas Slaughter.

Upon consideration of the facts developed in this investigation, the panel determined that MPP sections *3-01/121.30 (POE - Inappropriate Conduct Toward Others - Race/Ancestry/National Origin/Ethnicity)*, *3-01/121.30 (POE - Inappropriate Conduct Toward Others - Sex),* and *3-01/030.10 (Obedience to Laws, Regulations and Orders),* are **founded.**

The Equity Oversight Panel recommends that the Subject receive a **3-day suspension** for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

Lynda R. Castro (signature)
Lynda R. Castro, Commander

7/1/08
Date



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 17, 2008

Ms. Destiny Nelson, [redacted]
[redacted]

Dear Ms. Nelson:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Custody Assistant, Item No. 2749A, with this Department for a period of three (3) days.

An investigation under IAB File Number 2218757, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others, on or between October 7, 2007 through April 24, 2008, you engaged in inappropriate conduct toward others based on or because of race and/or ethnicity and/or national origin and/or sex when such conduct reasonably would be considered inappropriate for the workplace, as evidenced by, but not limited to:

    a) using Department computer equipment and e-mail to forward a satirical film stereotyping Mexican immigrants crossing the border into the United States, and/or;

    b) forwarding an advice column containing comments to others which were sexual in nature.

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.45, Use of Communications Equipment and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Manual Sections 3-07/200.10, Electronic Communications; and/or 3-07/210.00, Permissible Use; and/or 3-07/210.10, System Use; and/or 3-07/220.00, Prohibitions), on or between October 7, 2007 through April 24, 2008, you used Sheriff's Department computers and e-mail to transmit non-work related material via the Sheriff's Department Data Network, in violation of the aforementioned polices.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Susan Young, of Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Anthony Ward, Captain
Commander, Twin Towers Correctional Facility

AW:KM:sy

c: Advocacy Unit
Employee Relations Unit
Dennis H. Burns, Chief, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2218757)

I certify that on the date indicated below, I received the original of the attached Letter of Intent under File Number ***IAB 2218757.***

7/17/08

Date

DESTINY NELSON, [redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***DESTINY NELSON.***

7-17-08

Date

WITNESS SIGNATURE

ANTHONY WARD

WITNESS PRINT

Please return this page within two (2) business days to:

SUSAN YOUNG
Internal Affairs Bureau
4900 S. Eastern Ave. #100
Commerce CA 90040



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 20, 2008

Ms. Destiny Nelson,

Dear Ms. Nelson:

On July 17, 2008, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2218757. You were also advised of your right to review the material on which the discipline was based.

You did not exercise your right to respond. The grievance period involved has now elapsed, with no change in discipline.

You are hereby notified that you are suspended without pay from your position of Custody Assistant, Item No. 2749A, with this Department for a period of three (3) days effective September 21, 2008 through September 23, 2008.

An investigation under File Number IAB 2218757, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/121.30, Policy of Equality - Inappropriate Conduct Toward Others, on or between October 7, 2007 through April 24, 2008, you engaged in inappropriate conduct toward others based on or because of race and/or ethnicity and/or national origin and/or sex when such conduct reasonably would be considered inappropriate for the workplace, as evidenced by, but not limited to:

   a) using Department computer equipment and e-mail to forward a satirical film stereotyping Mexican immigrants crossing the border into the United States, and/or;

b) forwarding an advice column containing comments to others which were sexual in nature.

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.45, Use of Communications Equipment and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to Manual Sections 3-07/200.10, Electronic Communications; and/or 3-07/210.00, Permissible Use; and/or 3-07/210.10, System Use; and/or 3-07/220.00, Prohibitions), on or between October 7, 2007 through April 24, 2008, you used Sheriff's Department computers and e-mail to transmit non-work related material via the Sheriff's Department Data Network, in violation of the aforementioned polices.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Anthony Ward, Captain
Commander, Twin Towers Correctional Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AW:KM:if

c: Advocacy Unit
Dennis H. Burns, Chief, Custody Operations Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Twin Towers Correctional Facility/Unit Personnel File

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2218757*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

9/20/08 — ***DATE***

514713 — ***DESTINY NELSON,*** [redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***DESTINY NELSON*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

9/20/08 — ***DATE***

LT. — ***WITNESS SIGNATURE***

DAVID J. BOBO — ***WITNESS PRINT***

Please return this page along with Timekeeping Notification within two (2) business days to:

IRMA FRANCO
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: October 2, 2008

OFFICE CORRESPONDENCE

FILE NO. **IAB 2218757**

FROM: CECIL M. JOHNSON, SOAI
INTERNAL AFFAIRS BUREAU

TO: JOSEPH F. FENNELL, CAPTAIN
PERSONNEL ADMINISTRATION

ATTN: FRANK WILLIAMS, PAY & LEAVE MANAGEMENT
ALICE MARTINEZ, PERSONNEL

SUBJECT: **DISCIPLINARY ACTION - SUSPENSION**

Please verify and/or adjust payroll records to reflect the following:

SUBJECT NAME: **DESTINY NELSON**

EMPLOYEE NO.: [redacted]

ITEM NAME/NO. **CUSTODY ASSISTANT / 2749A**

UOA/DIV: **TWIN TOWERS CORRECTIONAL FACILITY / CUSTODY OPERATIONS DIVISION**

DATE OF LETTER: **SEPTEMBER 20, 2008**

DISCIPLINE: **THREE (3) DAYS**

EFFECTIVE DATE(S): **SEPTEMBER 21, 2008 THROUGH SEPTEMBER 23, 2008**

RECEIVED BY:

Sgt. Daniel J. Dyck [signature] 10-02-08
PAYROLL (SIGNATURE) DATE

Sgt. Daniel J. Dyck
PAYROLL (PRINT NAME)

****** PLEASE RETURN ALL SIGNED RECEIPTS TO IRMA FRANCO OF INTERNAL AFFAIRS BUREAU AS SOON AS POSSIBLE*****